

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION

CHARLES F. SUDDUTH, )  
                          )  
                          )  
                         Plaintiff, )  
                          )  
                          )  
vs.                      )                         Case No. 07-6129-CV-SJ-ODS  
                          )  
                          )  
JERRY DUBACHE, SHERIFF OF )  
DONIPHAN COUNTY, KANSAS, )  
et al.,                  )  
                          )  
                         Defendants. )

ORDER AND OPINION GRANTING DEFENDANTS' MOTION TO DISMISS  
AND DISMISSING CASE WITHOUT PREJUDICE

Plaintiff, proceeding pro se, filed suit against the State of Kansas, the Sheriff of Doniphan County, Kansas, and Barbara Dubache, a bail bondsman in Doniphan County. He alleges that in January 2007 he was arrested and charged with driving under the influence of alcohol and that various rights related to the prosecution were denied. For instance, he alleges he was denied his rights to counsel and reasonable bail.

The Court lacks jurisdiction for at least two reasons. First, the abstention doctrine announced in *Younger v. Harris*, 401 U.S. 37 (1971), precludes federal jurisdiction if the relief would interfere with an ongoing state prosecution. Criminal charges are currently pending in state court, so the Court cannot consider Plaintiff's claims. Second, the Court lacks personal jurisdiction over the defendants because none of them have any contact with the State of Missouri. E.g., *Dever v. Hentzen Coatings Inc.*, 380 F.3d 1070, 1073-74 (8<sup>th</sup> Cir. 2004); *Guiness Import Co. v. Mark VII Distributors, Inc.*, 153 F.3d 607, 614 (8<sup>th</sup> Cir. 1998).

Plaintiff is free to assert his claims in his criminal case. Depending upon the outcome of the prosecution, Plaintiff may be able to assert some or all of his claims in a

separate suit – but that suit could not be maintained in Missouri and would likely have to be filed in Kansas.

IT IS SO ORDERED.

DATE: February 19, 2008

/s/ Ortrie D. Smith  
ORTRIE D. SMITH, JUDGE  
UNITED STATES DISTRICT COURT